

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**September 24, 2007**



**PV 07-36: 4504 Willowick Drive**

**CASE DESCRIPTION:** a 5-foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts, to allow a new home to extend within 20 feet from the front property line on the subject property

**LOCATION:** 4504 Willowick Drive approximately 500 feet northeast from its intersection with Altura Drive in southeastern Bryan, Brazos County, Texas

**LEGAL DESCRIPTION:** Lot 31, Block 4, Miramont Subdivision – Section 12

**ZONING:** Planned Development Mixed Use District 1 (PD-1), approved by City Council on May 23, 2000

**EXISTING LAND USE:** vacant lot

**APPLICANT(S):** Richard Palasota

**STAFF CONTACT:** Martin Zimmermann, Senior Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** this request for variance.



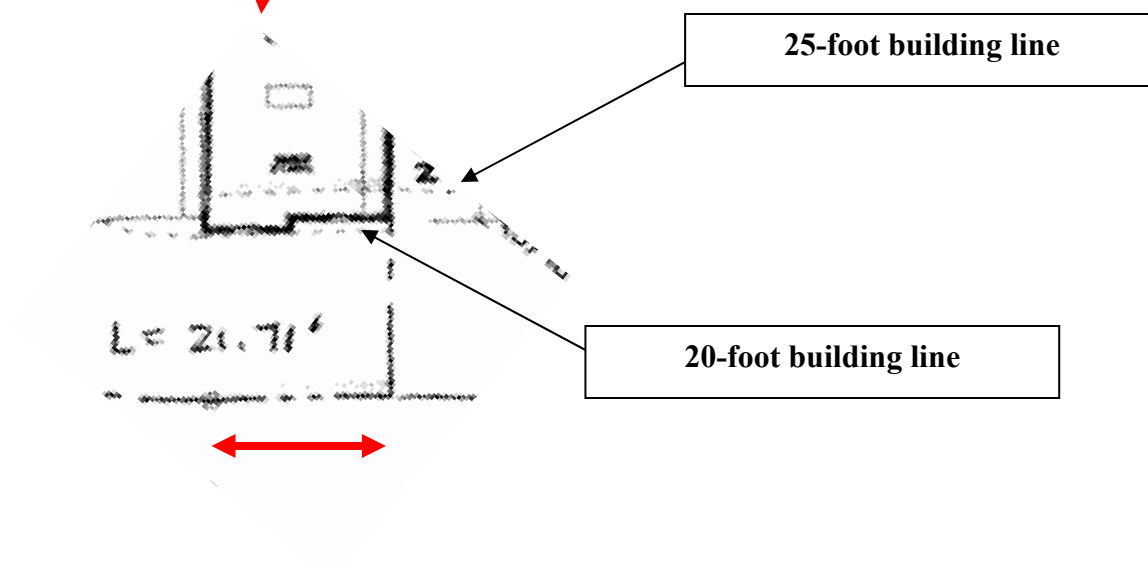
**AERIAL PHOTOGRAPH (2004):**



**CURRENT PHOTOGRAPHS:**



**SITE PLAN:**



## **BACKGROUND:**

The subject property is a vacant lot at the north end of Willowick Drive, a cul-de-sac, in the Miramont Subdivision. The applicant is proposing to build a new home on this property. Most of this property is located in the bulb of the cul-de-sac, where development regulations require a minimum 20-foot front building setback. However, 21.71 feet of this lot's frontage on Willowick Drive lies outside of the bulb of this cul-de-sac. Here, a minimum 25-foot front building setback is required. The applicant is requesting a 5-foot variance from the minimum 25-foot front building setback that is required along this 21.71-foot portion of this lot, to allow a new home to extend within 20 feet from the entire front property line on the subject property, as shown on the accompanying site plan.

## **ANALYSIS:**

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

**The subject property has more than 125 feet of frontage on Willowick Drive which is extraordinary for a lot in a cul-de sac. Lots along residential cul-de-sacs are often narrower than the minimum required lot width to accommodate several home sites along cul-de-sac bulbs. In this particular case, more than two-thirds of this lot's frontage lies in the bulb of the cul-de-sac on Willowick Drive's north end where only a 20-foot front building setback is required.**

**Staff believes that the extraordinary configuration of this property justifies a variance from the 25-foot front building setback required from that one-third of this lot's front property line along Willowick Drive which is not located in the bulb of the cul-de-sac. Staff believes that allowing a new home to extend into this 108+ square-foot area where ordinary standards prohibit building construction will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.**

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

**Staff believes that allowing a new home to extend within 20 feet from this property's entire front property line will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property. Staff contends that approving a 5-foot variance, in this particular circumstance, will still leave a minimum degree of open space on this single-family residential lot and not lead to an overcrowding of street frontage with building mass.**

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

**Staff believes that approving the requested variance will allow this lot to be useful home site without negatively affecting adjacent properties in any way. Staff contends that, in this**

particular circumstance, requiring a minimum 25-foot front building setback along that one-third of this property that does not adjoin the cul-de-sac bulb is an unnecessary hardship. Staff believes that in granting the requested variance, the spirit of the ordinance will be preserved and substantial justice done.

**RECOMMENDATION:**

Staff recommends **approving** this request for variance.